

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DANIEL ELLIS,

Plaintiff,

v.

ALBION PRISON, et al,

Defendants.

C.A. No. 07-128 Erie

**MEMORANDUM ORDER**

Plaintiff's civil rights complaint was received by the Clerk of Court on May 24, 2007, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on September 10, 2007, recommended that this action be dismissed for plaintiff's failure to prosecute. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail at SCI Albion, where he is incarcerated. No objections were filed. After de novo review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this <sup>13<sup>th</sup></sup> Day of November, 2007;

IT IS HEREBY ORDERED that this complaint is DISMISSED for failure to prosecute.

The report and recommendation of Magistrate Judge Baxter, dated September 7, 2007, is adopted as the opinion of the court.

  
MAURICE B. COHILL, JR.  
United States District Judge

cc: Susan Paradise Baxter  
U.S. Magistrate Judge

all parties of record \_\_\_\_\_